

JPA No.: 04-124I  
AG Contract No.: KR05-0140TRN  
**Amendment No. 1**  
Project No.:  
Project: SR 277 Culverts  
Section: MP 334.5  
TRACS No.: H671701C  
Budget Source Item No.: 27605

**AMENDMENT NO. 1  
TO  
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN  
THE STATE OF ARIZONA  
AND  
THE TOWN OF SNOWFLAKE**

**THIS AGREEMENT** is entered into this date July 18, 2007, Amendment No. 1 to JPA No. 04-124, A.G. Contract No.: KR05-0140TRN, filed with the Secretary of State under No. 27437, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF SNOWFLAKE, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State and the Town are collectively referred to as "Parties".

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes § 28-401 and to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

**THE PURPOSE OF THIS AGREEMENT** is to increase the Project funding in the amount of **\$100,000.00**

**Article I, Paragraph 3 is amended as follows:**

3. The State has agreed to give the Town an additional amount of **\$100,000.00** due to the increase of construction costs for a total amount not to exceed **\$400,000.00** for the construction of culverts on SR 277 at approximate MP 334.5.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

NO. 27437  
Filed with the Secretary of State  
Date Filed: 7-18-07  
Janice K. Brown  
Secretary of State  
By: [Signature]

**II. SCOPE OF WORK****Article II, Paragraph (a.) is amended in full as follows:**

## 1. The State shall:

a. Upon execution of this Agreement and receipt from the Town of an approval of the awarded contract documentation for the Project, remit to the Town for its share of the Project, a one-time lump sum amount not to exceed \$400,000.00.

**Article II, Paragraph (a.) is amended in full as follows:**

## 2. The Town shall:

a. Upon execution of this Agreement and award of the Project to one or more construction contractor(s), provide the State documentation showing the Project has been awarded and an invoice for the State's share of the Project, a one-time lump sum amount, not to exceed \$400,000.00 which includes design, construction and design/construction engineering and administration costs for the Project.

**EXCEPT AS AMENDED** herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

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**IN WITNESS WHEREOF**, the parties have executed this Amended Agreement the day and year first above written.

**TOWN OF SNOWFLAKE****STATE OF ARIZONA**

Department of Transportation

By Kelly S. Willis  
KELLY S. WILLIS  
Mayor

By Sam Maroufkhani  
SAM MAROUFKHANI, P.E.  
Deputy State Engineer, Development

ATTEST:

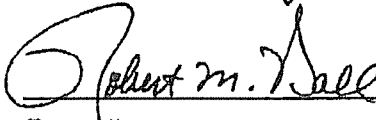
By Barbara Flake  
BARBARA FLAKE  
Clerk

**ATTORNEY APPROVAL FORM FOR THE TOWN OF SNOWFLAKE**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN OF SNOWFLAKE, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 14<sup>th</sup> day of June, 2007.

  
Town Attorney

the town. Dr. Isom said Mr. Spaulding's rates are very low and reasonable with regard to what he does and his availability. Mr. Spaulding has moved to the area with this agreement. His level of service is excellent. Kerry Ballard said that Mr. Spaulding has been here a long time and knows the issues and how to solve them.

***A motion was made by Kerry Ballard and 2<sup>nd</sup> by Dean Porter to approve increasing the monthly rate for Town Engineer Spaulding from \$1,000 to \$1,500 effective July 1, 2007. Motion passed; 6 for, Lynn Johnson opposed—would like another proposal***

10. Amendment to IGA between State of Arizona and Town of Snowflake  
Project regarding SR 277 Culverts.\* (Dr. Isom)

Dr. Isom said that the town entered into an agreement with the State of Arizona (ADOT) regarding SR277 culverts. ADOT agreed to the amount of \$300,000 to cover the costs of the culverts. Informal discussions with ADOT are that they will cover the actual costs. This amendment to the existing agreement is to raise the amount of money for costs to \$400,000.

***A motion was made by Kerry Ballard and 2<sup>nd</sup> by Dean Porter to amend the existing IGA with State of Arizona (ADOT) regarding SR277 culverts from \$300,000 to \$400,000. Motion passed; unanimous***

**TOWN MANAGER'S REPORT** See attached

**COUNCIL COMMENTS ON CURRENT EVENTS**

Kerry Ballard attended the Mayor's and Councilmember's Association meeting along with Dr. Isom, Charlie Hendrickson and Barbara Flake. Steve Owen, Director of ADEQ, said to contact him for emergency funding anytime.


Kerry Ballard said that he enjoys watching the work on the new Fire Station. Fire Chief Pat Hancock was helping with the grading work.

Dr. Isom said that Frontier Estates II is having a Grand Opening, Friday, June 29. Gene Hall said the ribbon cutting will be at 10:00 on 7<sup>th</sup> South and Hillcrest at Lot 1. Lunch will be provided. He said that the first 8 lots have been sold and the public report completed. He also said they are trying to keep the dust down and appreciate any comments regarding this issue being forwarded to him. He appreciates Gary Fenstermaker and staff. He said Stu Spaulding is an asset.

***A motion was made by Kelly Willis and 2<sup>nd</sup> by Kerry Ballard to go to Executive Session. Motion passed; unanimous***

**EXECUTIVE SESSION**

***A motion was made by Kelly Willis and 2<sup>nd</sup> by Dean Porter to return to Regular Session. Motion passed; unanimous***

<p>TERRY GODDARD Attorney General</p>	<p> <b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR05-0140TRN (**JPA 04-124-I, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Snowflake, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: July 16, 2007

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:27617  
Attachment